

**TRANSPORTATION DEPARTMENT[761]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 307.12, 307A.2 and 316.9, the Iowa Department of Transportation, on July 12, 2017, adopted amendments to Chapter 111, “Real Property Acquisition and Relocation Assistance,” Iowa Administrative Code.

Notice of Intended Action for these amendments was published in the April 26, 2017, Iowa Administrative Bulletin as **ARC 3035C**.

Iowa Code section 316.9 requires the Department to adopt administrative rules to ensure compliance with federal Uniform Relocation Assistance and Real Property Acquisition Policies (Uniform Act). To comply with this rule-making requirement, the Department adopts by reference Section II of the manual entitled “Uniform Manual, Real Property Acquisition and Relocation Assistance.” This manual, which is published by the Department and available on the Department’s Web site at [www.iowadot.gov](http://www.iowadot.gov), is based on federal regulations, 49 CFR Part 24, which implement the Uniform Act.

This rule making adopts a new edition of Section II of the manual. Section II is revised to reflect changes made to 49 CFR Part 24. The revised federal regulations include some technical changes. Some of the more significant changes are:

- Occupancy requirement for homeowner’s reduction and replacement housing payment monetary limit increase.
  - o Reduction of 180-day occupancy to 90-day occupancy.
  - o Increase of 90-day homeowner payment from \$22,500 to \$31,000.
- Replacement housing payment limit increase for tenants.
  - o Monetary increase for 90-day tenants from \$5,250 to \$7,200.
- Moving and related expenses.
  - o Increase in business reestablishment payment monetary limit from \$10,000 to \$25,000.
  - o Monetary increase in fixed payments in lieu of actual moving and reestablishment expenses from \$20,000 to \$40,000.
- Increase in the appraisal waiver limit from \$10,000 to \$25,000.

A marked-up draft of the changes to this manual is available at <http://www.iowadot.gov/rightofway/manuals.html>.

Other amendments correct an Iowa Code citation and add a reference to the Department’s Web site.

These rules do not provide for waivers. Any person who believes that the person’s circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

These amendments are identical to those published under Notice of Intended Action.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 316.9.

These amendments will become effective September 6, 2017.

The following amendments are adopted.

ITEM 1. Amend rule 761—111.1(316), introductory paragraph, as follows:

**761—111.1(316) Acquisition and relocation assistance manual.** The ~~April 2006~~ September 2017 edition of Section II of the manual entitled “Uniform Manual, Real Property Acquisition and Relocation Assistance” is adopted by reference.

ITEM 2. Amend paragraph **111.1(2)“d”** as follows:

*d.* In accordance with Iowa Code subsection ~~316.9(4)~~ 316.9(3), an entity that provides relocation assistance benefits for any program or project is required to provide an appeal process, regardless of the source of funding for the program or project. The appeal process provided shall not diminish the rights of the appellant or the scope of the appeal as described in Section II.

ITEM 3. Amend subrule 111.1(3) as follows:

**111.1(3)** *Availability of manual.* Copies of the manual or portions thereof are available from the Office of Right of Way, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; or on the department's Web site at [www.iowadot.gov](http://www.iowadot.gov).

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/2/17.